

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**AUTO OWNERS LIFE INSURANCE
COMPANY,**

Plaintiff,

V.

DEVEREAUX BURNETT,

Defendant.

CIVIL ACTION NO. 5:14-CV-96 (MTT)

ORDER

Before the Court is the Defendant's motion to appoint counsel. (Doc. 17). The Plaintiff asserted claims for fraud, negligent misrepresentation, unjust enrichment, punitive damages, and attorney's fees and litigation expenses because of the Defendant's actions regarding his disability insurance.

“Appointment of counsel in a civil case is not a constitutional right.” *Wahl v. McIver*, 773 F.2d 1169, 1174 (11th Cir. 1985); *see also Hunter*, 846 F.2d at 1317 (stating that decision is within discretion of district court). Rather, “it is a privilege that is justified only by exceptional circumstances.” *Wahl*, 773 F.2d at 1174. In exercising its discretion regarding whether to appoint counsel for an indigent party, “the district court typically considers, among other factors, the merits of the plaintiff’s claim and whether the claim is factually or legally so complex as to warrant the assistance of counsel.” *Holt v. Ford*, 862 F.2d 850, 853 (11th Cir. 1989).

In his motion, the Defendant simply requests the Court to appoint him counsel. The Court finds that appointment of counsel is unwarranted because the claims are neither factually nor legally complex. See *Wahl*, 773 F.2d at 1174 (finding no exceptional circumstances where essential facts and legal doctrines were ascertainable without assistance of court-appointed counsel). Because the Defendant has not shown the existence of exceptional circumstances necessary to justify the appointment of counsel, the Defendant's motion to appoint counsel is **DENIED**.

SO ORDERED, this 27th day of October, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT